

# EXHIBIT “B”

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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| IN RE PHARMACEUTICAL INDUSTRY<br>AVERAGE WHOLESale PRICE<br>LITIGATION   | ) MDL No. 1456<br>)<br>) DECLARATION OF THOMAS A.<br>) TEMMERMAN, SR. ASSISTANT<br>) ATTORNEY GENERAL, IN<br>) SUPPORT OF SUPPLEMENTAL<br>) BRIEF REGARDING THE ISSUE<br>) OF FEDERAL PREEMPTION OF<br>) REBATE CLAIMS<br>)<br>) (Matter to be taken under<br>) submission by the Court)<br>)<br>) Judge Patti B. Saris<br>)<br>) |
| THIS DOCUMENT RELATES TO:<br>State of California, <i>et al.</i> v. Abbott Laboratories,<br><i>et al.</i> )<br>CASE NO. 1:03-cv-11226-PBS |   |

I, THOMAS A. TEMMERMAN, hereby declare and state as follows:

1. I am a Senior Assistant Attorney General assigned to the Bureau of Medi-Cal Fraud and Elder Abuse, Criminal Division, California Department of Justice, and have been with the Bureau since 1987. Since 1998, I have had overall management and supervision for the above-captioned *qui tam* matter on behalf of the California Attorney General. For the past 10 years, I have also actively worked with the U.S. Department of Justice (Main Justice) in Washington, D.C., and numerous U.S. Attorney's offices throughout the nation in the joint federal-state prosecution of fraud cases on behalf of California's Medicaid program ("Medi-Cal").

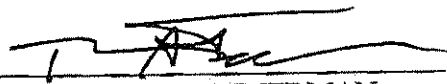
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2. Over the past 10 years, it has been my general experience with federal prosecutors that they will not and, in their opinion, cannot represent the State Medicaid programs, including Medi-Cal, as litigants in fraud cases to recover financial losses or damages.

I have personal knowledge of the foregoing and am executing this Declaration on December 18, 2003 in San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



THOMAS A. TEMMERMAN  
Sr. Assistant Attorney General